

WTT PENS

SMITH, MS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
GINA ANNE NOEL PANE,

Plaintiff,

-against-

Case No.: 07 CV 3216
(WP4) (CMS)

MS

THE TOWN OF GREENBURGH, JOHN KAPCIA, :
in his capacity as Chief of the Greenburgh Police :
Department, ERIK WARD, POLICE OFFICER :
MICHAEL MUESSER, SERGEANT ROBERT :
GRAMAGLIA, SERGEANT FRANCIS PUMILLO, :
DETECTIVE PAUL FERTIG, JOHN DOE POLICE :
OFFICERS 1-10 so named as their identities have :
yet to be established,STIPULATION AND
PROPOSED ORDER

FEB 14 2008

Defendants.
-----X

WHEREAS, Plaintiff, Gina Anne Noel Pane, has served a subpoena (the "Subpoena") upon non-party Jonathan Bandler ("Bandler"), who is a reporter for *The Journal News*, which is the publisher of a daily newspaper;

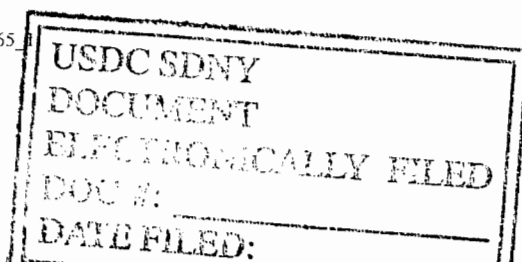
WHEREAS, Mr. Bandler has served objections to the Subpoena upon the grounds, among others, that the documents and deposition testimony sought from him are subject to the privileges afforded to journalists and publishers under the First Amendment of the United States Constitution, federal common law, Article I, Section 8 of the New York State Constitution, and the the New York "Shield Law," N.Y. Civil Rights Law § 79(h);

WHEREAS, Mr. Bandler intends to file a motion, pursuant to Rule 45(c)(3) of the Federal Rules of Civil Procedure, to quash or modify the Subpoena;

WHEREAS, Plaintiff's counsel intends to oppose the motion;

WHEREAS, Plaintiff's counsel has suggested that, for the convenience of the

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Court and counsel for the parties, the motion to quash or modify be made returnable at the same

time and date as another motion in this matter, currently scheduled for February 29, 2008, at 11:15 a.m.;

NOW, THEREFORE, COUNSEL FOR PLAINTIFF AND MR. BANDLER
HEREBY STIPULATE AND AGREE as follows:

1. Mr. Bandler's motion to quash or modify shall be served by hand, by facsimile, or by overnight courier so as to be received by February 13, 2008;
2. Plaintiff's answering papers shall be served by hand, by facsimile, or by overnight courier so as to be received by February 20, 2008;
3. Mr. Bandler's reply papers shall be served by hand, by facsimile, or by overnight courier so as to be received by February 27, 2008; and
4. The motion to quash or modify shall be returnable on February 29, 2008, at 11:15 a.m., or as soon thereafter as the Court may direct.

Dated: New York, New York
February 7, 2008

SATTERLEE STEPHENS BURKE & BURKE LLP

By: 

Mark A. Fowler (MF-4605)

Attorneys for Non-Party Jonathan Bandler
230 Park Avenue
New York, New York 10169
(212) 818-9200

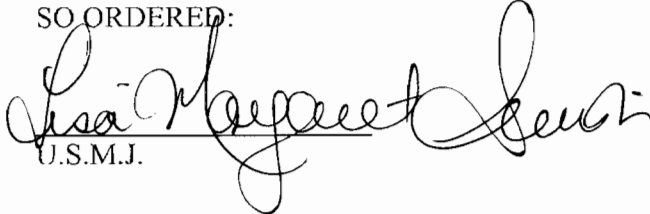
THE LAW FIRM OF RAVI BATRA, P.C.

By: 

Todd Sherman (TS-4031)
Attorneys for Plaintiff
142 Lexington Avenue
New York, New York 10016
(212) 545-1993

2-7-08
4:25pm

SO ORDERED:


Lisa Margaret Smith
U.S.M.J.

